

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.48920 OF 2006

AND

WP.MP.NO.3 OF 2006

R.Jayanthi

..Petitioner

Vs.

- 1.The Director of Elementary Education,  
Chennai 600 006.
  2. The District Elementary Educational Officer,  
Salem.
  3. The Assistant Elementary Educational Officer,  
Tharamangalam,  
Salem District.
- ..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus as stated within.

For Petitioner: Mr.M.Ravi

For Respondents 1 to 3: Mr.A.Vijayakumar  
Government Advocate (Edn.)

O R D E R

This writ petition has been brought forth by the petitioner seeking to issue a writ of mandamus directing the respondents to temporarily promote the petitioner as Elementary School Headmaster in Tharamangalam Panchayat Union Unit pending orders on regularisation of the petitioner appointment with effect from 5.3.1997 and thereafter to regularly promote the petitioner with effect from the date of such temporary appointment and to further direct the respondents to desist from promoting any junior to the petitioner as Elementary School Headmaster till such time.

2. Affidavit filed in support of the writ petition is perused.

3. The Court heard the learned counsel on either side.

4. The only grievance ventilated by the petitioner is that on the death of her husband who was serving as Police Constable in Kodaikannal Police Station, Dindigul, the petitioner applied for the appointment as Secondary Grade Teacher on compassionate ground , since she has requisite qualification. Her application was forwarded to the Education department by the Director General of Police, Chennai and she was appointed as Secondary Grade Teacher at Tharamangalam Panchayat School, Salem and she also joined duty on 5.3.1997. From the said date, she has been rendering her service as Secondary Grade Teacher for more than a decade, but her services has not been regularised. She has sent several representations, but the same were not considered till date. The second respondent by his letter dated 7.9.2006 has submitted a proposal in this regard. But certain defects were noticed and again it was re-presented .Under such circumstances, it was kept pending for a long time. Hence it has become necessary to file the above writ petition seeking for the relief as extracted above.

5. Learned counsel for the respondents would submit that the petitioner was appointed as Secondary Grade Teacher on the death of her husband who was working as Police Constable in the Kodaikanal Police Station and the petitioner joined duty as Secondary Grade Teacher from 5.3.1997 onwards on compassionate ground. But, her services were not regularised. Now it is submitted that the proposals were sent and it is in the hands of the Government and orders have to be passed in this regard.

6. Taking into consideration the facts and circumstances of the case, this Court is of the opinion that since the matter is pending with the Government, no question of regularisation of the petitioner would arise now. Recording the said submission of the learned Additional Government Advocate, this writ petition is disposed of. No costs. Consequently, WP.Mp.No.3 of 2006 is closed.

VJY

Sd/  
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Director of Elementary Education,  
Chennai 600 006.

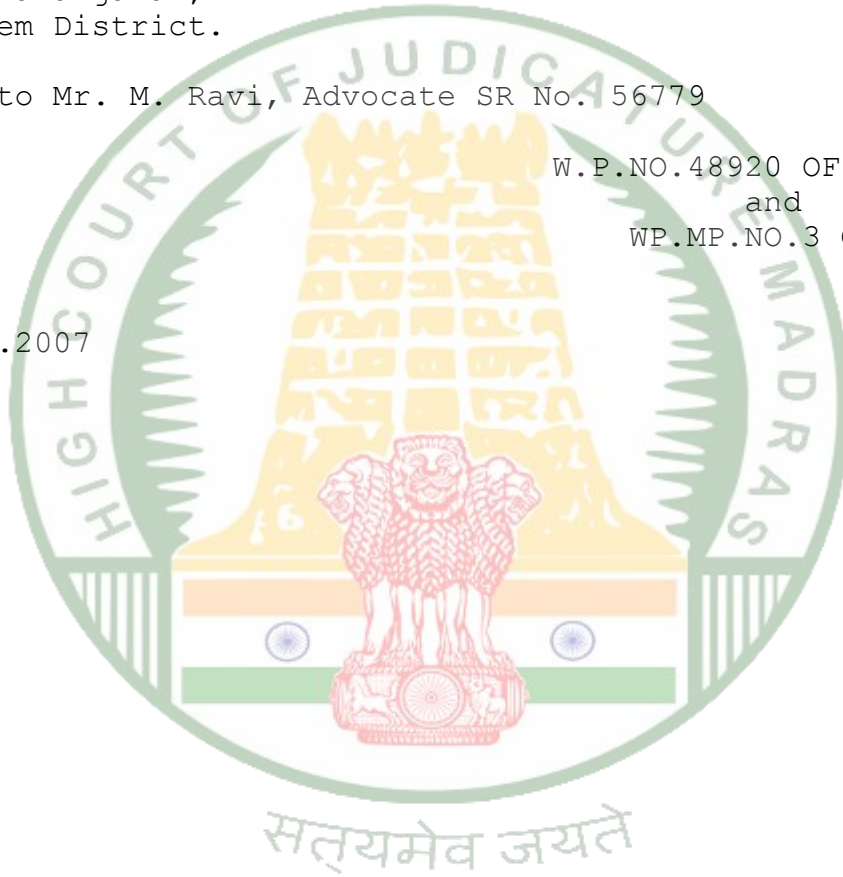
2. The District Elementary Educational Officer,  
Salem.

3. The Assistant Elementary Educational Officer,  
Tharamangalam,  
Salem District.

+ 1 cc to Mr. M. Ravi, Advocate SR No. 56779

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SSV(CO)  
SR/28.9.2007



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